



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TRG

Docket No: 197-00

1 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 7 March 1989 at age 38. At that time you had completed about six years of active duty, which had ended on 4 June 1970.

The record shows that on 1 November 1990 you were recalled to active duty in support of Operation Dessert Shield/Storm. Subsequently, you received medical treatment for your back pain. The separation physical dated 4 January 1991 states that an orthopedic consultation was completed and you were considered fit for full duty. You were found physically qualified for separation. You were released from active duty on 11 January 1991. At that time you had completed 2 months and 11 days of active service.

The record shows that you received a performance evaluation from your reserve unit for the period 1 April 1990 to 31 March 1991. The evaluation states that you had been recalled to active duty. Subsequently, the Physical Evaluation Board found that you were 10% disabled because of recurrent mechanical back pain and directed your discharge due to a physical disability.

You contend in your application that you were on medical hold and actually on active duty until 2 February 1991. You are requesting that your record be corrected to show that you were discharged on 2 February 1991 instead of 11 January 1991. In support of your request, you have submitted a letter from the reserve unit which shows that you were on active duty until 2 February 1991 and other documentation which shows your disability processing after 11 January 1991

The Board concluded that the separation physical in which you were found physically fit for separation and the DD Form 214, which you signed, showing a separation date of 11 January 1991 correctly show that you were separated from active duty on that date. The Board believes that you are eligible for veterans' benefits based on your active service which ended on 4 June 1970.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director